

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD,

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

**DEFENDANT AMBER LAURA HEARD'S MEMORANDUM IN SUPPORT OF HER MOTION FOR LEAVE TO FILE AN AMENDED ANSWER & GROUNDS OF DEFENSE, SUPPLEMENTAL PLEA IN BAR, REQUEST A HEARING, BRIEFING SCHEDULE, AND TO STAY DISCOVERY PENDING RULING ON THE PLEA IN BAR**

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## PRELIMINARY STATEMENT

In June 2018, 8 months prior to filing this case, Plaintiff Depp sued for libel in the UK, predicated on the same set of facts at issue in this case. Depp sued The Sun Newspaper for calling him a “wife beater” and sought a determination that he did not commit domestic violence against his wife, Amber Heard. After extensive discovery and a three-week trial, where the burden of proof was on the Defendants to prove the allegations were true, the London Court, in a 129-page, 585 paragraph Opinion, **Att. A to JN**,<sup>1</sup> found that Mr. Depp had engaged in at least 12 acts of domestic violence against Amber Heard, some of which caused her to fear for her life. Mr. Depp requested permission to appeal (a motion to reconsider), which was denied. **Att. B to JN**. Mr. Depp then appealed to the Courts of Appeal. Counsel argued before a panel of two Appellate Judges, claiming both new evidence and error. By Orders dated March 25 and 31, 2021, as amended April 6, 2021, the Appellate Court denied Depp’s final appeals. **Atts. C and D to JN**. With the finality of the Judgment, rendered after Mr. Depp presented his best evidence and arguments on the exact same factual issues asserted here, Mr. Depp should be precluded from seeking yet another bite of the apple, where he has fully adjudicated his dispute, and lost. Because of the UK Judgment, the entire world may now say, forever, that Mr. Depp is a “wife beater” and has committed at least 12 acts of domestic violence against Amber Heard, causing her to be in fear for her life. In short, the UK Judgment, now final, permits this Court to end this litigation.

Ms. Heard seeks leave of this Court to Amend her Answer & Grounds of Defense (“Am Ans”) and file a Supplemental Plea in Bar, under Rules 1:8 and 1:9, to include affirmative defenses

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<sup>1</sup>“JN” denotes attachments to the Notice of Judicial Notification of Adjudicated Facts and Law Impacting this Case.

as a result of the UK Judgment, seeking to recognize and apply those decisions to this case. These defenses are asserted at ¶13 of the Am Ans,<sup>2</sup> that Mr. Depp’s claims are barred and should be dismissed based on the doctrines of comity, collateral estoppel, issue and claim preclusion, res judicata and statutory law. Depp is not prejudiced, and Ms. Heard asserting and fully airing these defenses will promote the ends of justice by preventing an enormous waste of Judicial and litigant resources, time and expense re-litigating claims already fully litigated, not to mention the tremendous emotional toll of Amber Heard having to, once again, re-tell and re-live the violence at the hands of her now ex-husband Depp, a fully and finally adjudicated wife beater and perpetrator of multiple acts of domestic violence, causing her to fear for her life.

### **RELEVANT FACTS**

On November 2, 2020, the High Court of Justice Queens Bench Division issued a lengthy, detailed decision, in *Depp v. News Group Newspapers, LTD, et al.*, **Att. 1 to JN**, in which Depp sued Defendants for calling Depp a “Wife-Beater” and asserting there was significant evidence that Depp committed domestic violence against Amber Heard on multiple occasions, causing her to fear for her life. **Att. 2.** After extensive discovery and motions practice, followed by a 3-week trial, the UK High Court found the statements were substantially true (*The Sun’s* burden of proof) and dismissed Mr. Depp’s libel claim. On November 16, 2020, the UK High Court denied Depp permission to appeal. **Att. B to JN.** On March 25, 2021, the UK Court of Appeal (Civil Division) issued its decision upholding the UK High Court’s ruling against Mr. Depp, denying his application for permission to appeal, and dismissing his application to adduce further evidence.

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<sup>2</sup> The red line of the Am. Ans is **Att. 1.** The clean copy of the Am. Ans and Supplemental Plea in Bar have been separately filed, simultaneously with this Motion and Memorandum.

**Att. C to JN.** On March 31, 2021, amended April 6, 2021, the UK Court of Appeals issued its final Order denying the two applications. **Att. D to JN.**

All three Counts in Depp's Complaint filed March 1, 2019 are based on his allegation that the statements published as an Op-Ed in the *Washington Post*, implying that he committed domestic violence against Amber Heard, are false. The judgment by the UK High Court, followed by the succession of denials of appeal, as a matter of law, bar Depp's claims in this case, and preclude relitigation, under doctrines of comity, collateral estoppel, issue and claim preclusion, and res judicata for the reasons set forth in more detail in the Supplemental Plea in Bar.

#### APPLICABLE LAW

Rule 1:8 provides that leave to file amendments to any pleading "shall be liberally granted in furtherance of the ends of justice." *See also Kole v. City of Chesapeake*, 247 Va. 51, 57 (1994) (amendment of pleadings should be liberally allowed).<sup>3</sup> Rule 1:9 provides, in pertinent part: "The time allowed for filing pleadings may be extended by the court in its discretion and such extension may be granted although the time fixed already has expired."<sup>4</sup>

Furthermore, this court has sound discretion to stay an action in state court pending the outcome of another action involving the same parties **or subject matter** which is pending in the courts of another state **or of a foreign country.**" *Turner Sculpture, Ltd. v. Geographics, Inc.*, 51

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<sup>3</sup> The Virginia Supreme Court has held that it is an abuse of discretion for a trial court to deny leave to file an amended pleading pursuant to Rule 1:8 when there is no prejudice to the opposing party. *See AGCS Marine Ins. Co. v. Arlington Cty.*, 293 Va. 469, 486-87 (2017) (citing *Mortarino v. Consultant Eng'g Servs., Inc.*, 251 Va. 289, 295-96 (1996)); *Kole*, 247 Va. At 57 (relying exclusively on the absence of prejudice).

<sup>4</sup> Virginia courts have broad discretion to allow late pleading, and the factors to consider include "lack of prejudice to the opposing party, the good faith of the moving party," and "the existence of a meritorious claim or substantial defense," as well as "whether an extension would promote the 'ends of justice.'" *Nauman v. Samuels*, 73 Va. Cir. 411, 413 (Charlottesville 2007).

Va. Cir. 178, 179 (Accomack Cty. 2000) (emphasis added). Considerations relevant to the grant of a stay include:

[C]omity, the desirability of avoiding a multiplicity of forums, whether the foreign litigation is at an advanced or preliminary stage, the likelihood of obtaining complete relief in the foreign jurisdiction, and the possibility that a judgment entered in the foreign jurisdiction will give rise to collateral estoppel or will render the matter before the court *res judicata*.

*Id.* at 179.<sup>5</sup>

## ARGUMENT & CONCLUSION

### **I. Depp is not prejudiced by amendment of the responsive pleadings.**

Plaintiff Depp cannot reasonably assert that he is prejudiced by amendment of Ms. Heard's responsive pleadings because he clearly possessed notice of the UK case *he* filed and fully litigated through finality. Likewise, Mr. Depp knew the central issue in his UK filing was the veracity of the statements of Mr. Depp's domestic violence of Ms. Heard, and that a finding on that issue would preclude him from prevailing on the same or substantially similar defamation claim. Mr. Depp would undoubtedly have attempted to use the UK judgments in this case against Ms. Heard were the tables turned and he had won. Mr. Depp was also on notice that Ms. Heard would assert the truth of her statements as a defense because she pleaded truth of the statements as her second ground of defense. Thus, the proposed amended defenses and plea are grounded in the already-pleaded defense that the statements in the Op-Ed are true. Furthermore, there is now nearly a year until trial, so the timing of this Motion in no way interferes with existing deadlines or the ability to prepare claims and defenses in preparation for trial.

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<sup>5</sup> See also *Primov v. Serco, Inc.*, 296 Va. 59, 67 (2013) (quoting *Landis v. North American Co.*, 299 U.S. 248, 254-55, 57 S. Ct. 163, 81 L. Ed. 153 (1936)) (This Court has the sound discretion to issue a stay as part of its inherent power to "control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.").

**II. Granting Ms. Heard's Motion, including a discovery stay pending the outcome of the Plea in Bar, promotes the ends of justice and judicial efficiency**

Depp had his day in a Court of his choosing, with a more favorable burden of proof, and he lost. In the meantime, Depp has dragged Ms. Heard into various U.S. and foreign jurisdictions to defend her credibility against accusations by Mr. Depp. In the UK proceedings, Ms. Heard provided seven Witness Statements and testified for four days as to the domestic violence she endured from Mr. Depp. Should Ms. Heard prevail on her Plea in Bar, which she is likely to, it would not only end the exorbitant and duplicative discovery in this case, but would also protect Ms. Heard from re-litigating factual issues already determined by a competent Court, chosen by Depp, and from having to re-tell and re-live her abuse by Depp. Granting this Motion further promotes the ends of Justice as these defenses have only recently become available to her. The UK Court of Appeal issued its final amended Order denying Mr. Depp's application for permission to appeal a week prior to the filing of this Motion. It was only then that Depp's judicial remedies in the UK were completely exhausted and the UK High Court Judgment was final.

A stay of discovery pending the resolution of the Supplemental Plea in Bar will "prevent multiple lawsuits and vexatious litigation where there is no legitimate advantage which the plaintiff in the subsequent litigation could gain by litigating in more than one jurisdiction." *Turner Sculpture*, 51 Va. Cir. at 180. (noting that failing to grant a stay in such circumstances would be an abuse of discretion.)

For the reasons set forth above, Ms. Heard respectfully requests that this Court grant the Motion for Leave to Amend Defendant's Answer & Grounds of Defense and File a Supplemental Plea in Bar, set a hearing and briefing schedule for the Supplemental Plea in Bar, and stay discovery pending its resolution.

Dated this 13th day of April 2021.

Respectfully submitted,

Amber L. Heard



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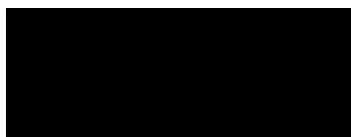
**CERTIFICATE OF SERVICE**

I certify that on this 13th day of April 2021, a copy of the foregoing was served by email, pursuant to the Agreed Order dated August 16, 2019, as follows:

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# ATTACHMENT 1

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**AMENDED ANSWER AND GROUNDS OF DEFENSE**

Defendant Amber Laura Heard, by counsel, hereby files this Amended Answer and Grounds of Defense to the Complaint filed by Plaintiff John C. Depp, II. Defendant denies all allegations in the Complaint that are not specifically and expressly admitted below.

**ANSWER**

**NATURE OF ACTION**

1. With respect to ¶ 1 of the Complaint,<sup>1</sup> Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Answering further, Defendant states that the op-ed speaks for itself and the document reflects a complete and accurate statement of its contents. Defendant denies any mischaracterization of the op-ed and denies the remaining allegations in ¶ 1. Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff.

2. With respect to ¶ 2, Defendant admits that the Superior Court of California, County of Los Angeles issued a Temporary Restraining Order against Plaintiff to restrain

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<sup>1</sup>All references to paragraphs (“¶\_\_”) are referencing the paragraphs of the Complaint dated March 1, 2019. Going forward, the references will be to ¶ without stating Complaint.

Plaintiff and protect Defendant from Plaintiff on May 27, 2016. The Temporary Restraining Order, and related records, speak for themselves. Defendant admits that the op-ed did not identify or name Plaintiff, and otherwise denies the remaining allegations of ¶ 2.

3. Defendant denies the allegations of ¶ 3 and demands strict proof thereof. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff.

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent ¶ 4 contains factual allegations, Defendant denies the allegations of ¶ 4 and demands strict proof thereof.

5. With respect to ¶ 5, Defendant admits that in May 2016 she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence and abuse. Defendant further admits that news sources publicly reported that Disney made an announcement relating to a reboot of the *Pirates of the Caribbean* franchise in 2018, and refers to those news sources for a complete and accurate statement of their contents and denies any mischaracterization thereof. Defendant otherwise denies the allegations in ¶ 5 and demands strict proof thereof. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff, and Defendant denies that Plaintiff is entitled to any relief, including damages, from Defendant.

6. Defendant denies the allegations of ¶ 6.

7. Defendant denies the allegations of ¶ 7. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff, and Defendant denies that Plaintiff is entitled to any relief, including damages, from Defendant.

## PARTIES

8. With respect to ¶ 8, Defendant admits that Plaintiff is a prominent actor, that Defendant and Plaintiff had no children together, and that they were married February 3, 2015, that Defendant and Plaintiff were separated before May 23, 2016, and that the stipulated judgment of dissolution of marriage was entered on January 13, 2017. Defendant lacks sufficient knowledge or information to admit or deny allegations as to the current location of Plaintiff's primary residence. Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed targeting Plaintiff, and denies the remaining allegations of ¶ 8 and demands strict proof thereof.

9. With respect to ¶ 9, Defendant admits that she is an individual and a resident of the State of California, admits that she is an actor, and admits that she was formerly married to Plaintiff. Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B, and that it was published in the Washington Post on page A21 on December 19, 2018. Answering further, Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff and denies any remaining allegations of ¶ 9 and demands strict proof thereof.

## JURISDICTION AND VENUE

10. Paragraph 10 contains legal conclusions to which no response is required. To the extent ¶10 contains any factual allegations, Defendant denies those allegations and demands strict proof thereof. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff.

## [ALLEGED] FACTS

In response to the heading preceding ¶ 11, Defendant admits that she wrote the op-ed, with the assistance and advice of others, attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof.

11. Paragraph 11 is a legal conclusion to which no response is required.

12. With respect to ¶ 12, Defendant admits only that Plaintiff has appeared in various films and has portrayed the characters known as Edward Scissorhands, Willy Wonka, Captain Jack Sparrow, The Mad Hatter, Grindelwald, John Dillinger, and Whitey Bulger. Defendant lacks sufficient knowledge or information to admit or deny the remaining allegations in ¶ 12 and demands strict proof thereof.

13. With respect to ¶ 13, Defendant admits that she met Plaintiff in connection with her work on the film *The Rum Diary*. Defendant denies that she and Plaintiff were married on February 1, 2015, and states that they were married on February 3, 2015.

14. With respect to ¶ 14, Defendant states that Defendant and Plaintiff were married on February 3, 2015, that Defendant and Plaintiff were separated before May 23, 2016, and that the stipulated judgment of dissolution of marriage was entered on January 13, 2017. To the extent ¶ 14 requires further response, Defendant denies the allegation and demands strict proof thereof.

15. With respect to ¶ 15, Defendant admits that a member of the building staff from the Eastern Columbia Building gave testimony in a case to which Defendant was not a party, and refers to the deposition transcripts for a complete account of the allegations therein. Defendant denies the remaining allegations of ¶ 15, and demands strict proof thereof, and further denies that

she injured Plaintiff's middle finger on his right hand and further states that Plaintiff caused the injuries he alleges through his own violent conduct. Defendant further denies that Mr. Musk visited Plaintiff's penthouse at any time in March 2015, or that this would relate to or justify Plaintiff's domestic abuse and violence against Defendant in any event.

Defendant further states that Plaintiff engaged in an extra-marital affair with Rochelle Hathaway, among others, throughout his relationship with Defendant, thus further exemplifying the absurdity of Plaintiff's false allegations with respect to Mr. Musk being included in the Complaint. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this full paragraph is expressly requested.

16. With respect to ¶ 16, Defendant admits that Defendant and Plaintiff were separated by May 23, 2016, and states that the stipulated judgment of dissolution of marriage was entered on January 13, 2017. Defendant admits that there was an incident on May 21, 2016 during which Plaintiff struck Defendant in the face with a cell phone, assaulted Defendant, and swung a magnum-sized bottle of wine into objects throughout part of the penthouse, and caused property damage to various parts of the penthouse. Defendant admits that there were multiple eyewitnesses to the incident and its aftermath, admits that certain police officers arrived following the incident, admits that the police officers observed the redness to Defendant's face and the property damage to parts of the penthouse and hallway. Defendant admits that Defendant declined to file a police report. Defendant admits that certain police officers testified during the divorce proceedings, and refers to the deposition transcripts for a complete account of the allegations therein. Defendant denies having knowledge or information sufficient to form a belief as to the allegations regarding certain officers' credentials, domestic abuse training or motivations for their testimony. Defendant denies that she or any of her friends provided false

testimony in support of the restraining order she received against Plaintiff, and denies the remaining allegations of ¶ 16, and demands strict proof thereof. Answering further, Defendant specifically denies that there was any hoax or any scheme to lure Plaintiff to the penthouse and denies that Defendant's testimony of events related to the incident are false.

17. With respect to ¶ 17, Defendant denies that there is any evidence that can or will disprove that Plaintiff committed domestic violence and abuse against Defendant because Plaintiff did, in fact, commit domestic violence and abuse against Defendant. Defendant denies knowledge or information sufficient to form a belief as to interactions between Plaintiff and his legal team and demands strict proof thereof. Defendant denies that documents in possession of Plaintiff's attorneys are not in Plaintiff's possession, denies that Defendant's 2016 allegations relating to domestic violence were false, denies that any evidence disproves Defendant's 2016 allegations, denies that the surveillance footage is exculpatory, and otherwise denies the remaining allegations of ¶ 17 and demands strict proof thereof.

18. With respect to ¶ 18, Defendant denies that she withdrew her allegations relating to Plaintiff's domestic violence and abuse and denies that her allegations of domestic violence and abuse by Plaintiff are false. Defendant admits that she voluntarily dismissed her petition for domestic violence restraining order as part of the January 13, 2017 stipulated judgment of dissolution of marriage, which finalized Defendant and Plaintiff's divorce.

19. With respect to ¶ 19, Defendant denies that she withdrew her allegations relating to domestic violence and abuse and denies that her allegations of domestic violence and abuse by Plaintiff are false. To the extent the allegations of ¶ 19 purport to refer to specific (but unidentified) publications, public service announcements, social media postings, speeches and/or interviews by Defendant, any such statement by Defendant speaks for itself, and Defendant

refers to each such statement by Defendant for a complete and accurate account of Defendant's statements therein and denies any mischaracterization thereof. Defendant denies any remaining allegations of ¶19 and demands strict proof thereof. Defendant further denies that the unidentified publications, public service announcements, social media postings, speeches and/or interviews by Defendant can form, support and/or establish any claim against Defendant.

20. With respect to ¶ 20, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant denies that she wrote or authored the title "Amber Heard: I spoke up against sexual violence – and faced our culture's wrath. This has to change." Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018 and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. To the extent ¶ 20 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

21. With respect to the allegations of ¶ 21, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. To the extent ¶ 21 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.



22. With respect to the allegations of ¶ 22, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant admits the op-ed did not identify and name Plaintiff. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 22 contains legal conclusions to which no response is required, denies that the quoted statements are false and defamatory, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement. To the extent ¶ 22 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

23. With respect to the allegations of ¶ 23, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant further denies that she engaged in any attention-seeking hoax and further states that Plaintiff did, in fact, commit domestic violence and abuse against Defendant. Defendant admits that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence, and based upon that evidence, the Court entered a Restraining Order against Plaintiff. Defendant also admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on

December 19, 2018. Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof.

Defendant states that ¶ 23 contains legal conclusions to which no response is required, denies that her May 2016 allegations relating to domestic violence and abuse were false and defamatory, and denies all remaining factual allegations in ¶ 23.

Defendant denies the allegations in the heading following ¶ 23.

24. With respect to the allegations of ¶ 24, Defendant admits that she was a “public figure representing domestic abuse,” but denies that her allegations of domestic violence and abuse by Plaintiff are false. Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Defendant admits that she has had prior experience with abuse, and refers to the op-ed for a description of that abuse. Defendant denies that she was in an abusive romantic relationship prior to her relationship with Plaintiff and further denies that she was “the abuser” in any prior relationship or with Plaintiff. To the extent ¶ 24 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

25. With respect to the allegations of ¶ 25, Defendant denies that she physically assaulted Tasya van Ree. Defendant admits that on September 24, 2009, she was arrested in connection with an incident at the Seattle airport, admits that she was initially booked for misdemeanor domestic violence, and admits that the authorities, in reviewing the facts and circumstances, declined to press charges and dropped all charges. Defendant denies all remaining allegations of ¶ 25. Answering further, Defendant specifically denies that the allegations of ¶ 25

are in any way relevant to or relate to *Plaintiff's* acts of domestic violence and abuse toward Defendant, or justify Plaintiff's acts of violence and abuse towards Defendant.

26. The allegations of ¶ 26 are denied and Defendant demands strict proof thereof.

27. Defendant denies the allegations of ¶ 27 and demands strict proof thereof.

28. Defendant denies the allegations of ¶ 28, and demands strict proof thereof, and further states that there were acts of domestic violence and abuse by Plaintiff against Defendant in March 2015 in Australia during which, among other things, Plaintiff ingested multiple ecstasy pills, violently and repeatedly assaulted Defendant, threw bottles at Defendant and broke windows, smashed a phone repeatedly against a wall, then Plaintiff wrote bizarre messages in blood, sometimes mixed with paint, on walls and lampshades, and other places in the Australia house, all of which it is believed to have resulted in the damage to Plaintiff's middle finger. Defendant denies throwing a bottle at Plaintiff's hand and denies playing any role in Plaintiff's injury to his finger or hand. To the extent ¶ 28 contains further factual allegations, they are denied and Defendant demands strict proof thereof.

29. Defendant denies the allegations of ¶ 29, and demands strict proof thereof.

Defendant further states that during the course of Defendant's relationship with Plaintiff, when Plaintiff would violently assault Defendant, Defendant would sometimes attempt to deflect the attacks, and take actions to attempt to protect herself, including throwing objects in Plaintiff's path to slow him in his chase of her, bat his hands away from a door so she could close and barricade herself from him, and use her arms and legs to try to protect herself against the onslaught of Plaintiff's physical violence and abuse towards her.

30. With respect to the allegations of ¶ 30, Defendant denies that she has pushed a false narrative of domestic abuse and denies that her May 26, 2016 Declaration (which Plaintiff

refers to as an “affidavit”) is false. Answering further, Defendant states that Plaintiff did, in fact, commit domestic violence and abuse against Defendant and an accurate summary of the April 21, 2016 event is included in Defendant’s May 26, 2016 Declaration, which speaks for itself. Defendant presently lacks sufficient knowledge or information to admit or deny allegations the interactions between Plaintiff and Sean Bett, or as to Mr. Bett’s background, but Defendant denies that Mr. Bett’s photograph of Plaintiff was taken on December 15, 2015. Defendant further states that Plaintiff engaged in domestic abuse and violence towards Defendant on December 15, 2015 which is documented and the injury to Defendant and the property damage caused by Plaintiff were witnessed by others. Defendant denies any remaining allegations of ¶ 30 and demands strict proof thereof.

31. Defendant denies the allegations of ¶ 31 and demands strict proof thereof.

Defendant denies the allegations in the heading following ¶ 31.

32. Defendant denies the allegations of ¶ 32 and demands strict proof thereof.

33. With respect to the allegations of ¶ 33, Defendant denies that she made false abuse allegations in her May 26, 2016 declaration which was submitted in connection with the judicial proceeding that resulted in a Restraining Order being issued against Plaintiff and to protect Defendant from Plaintiff. Defendant states that Plaintiff did, in fact, commit domestic violence and abuse against Defendant and an accurate summary of the May 21, 2016 event is included in Defendant’s May 26, 2016 declaration, which speaks for itself. Defendant admits that she and eyewitnesses to the May 2016 incident provided additional testimony in legal proceedings relating to Defendant’s petition for a restraining order, and refers to the deposition transcripts for an accurate account of the allegations and testimony therein. Defendant further admits that building personnel gave testimony in a case to which Defendant was not a party, and

refers to the deposition transcripts for an account of the allegations therein. Defendant denies that she was uninjured prior to May 27, 2016, denies that surveillance videos show that she was uninjured, and denies the remaining factual allegations of ¶ 33 and demands strict proof thereof.

34. With respect to the allegations of ¶ 34, Defendant admits that Eastern Columbia building personnel testified in a case to which Defendant was not a party and refers to the deposition transcripts for an account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny allegations as to Plaintiff's whereabouts following the May 2016 incident. To the extent ¶ 34 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

35. Defendant denies the allegations of ¶ 35 and demands strict proof thereof.

36. Defendant admits that Mr. Baruch signed a declaration, clarifies that in fact Mr. Baruch signed two declarations, states that Mr. Baruch also provided deposition testimony in this case, and refers to those declarations and that deposition transcript for an account of the allegations therein. Defendant further states that there is other evidence that contradicts the declaration. Defendant denies any remaining allegations of ¶ 36 and demands strict proof thereof.

37. With respect to the allegations of ¶ 37, Defendant admits that Officers Saenz and Hadden arrived at Plaintiff's penthouse on May 21, 2016, and states that during the incident and prior to the officers' arrival, Plaintiff struck Defendant in the face with a cell phone, assaulted Defendant, and swung a magnum-sized bottle of wine into objects in the penthouse, among other things. Defendant denies the second sentence of ¶ 37, and states that after Plaintiff assaulted her, Mr. Wright asked his friend Ms. Shapiro to call 911, that two LAPD officers arrived at the penthouses at which Defendant was located at approximately 8:57pm on May 21, 2016, and that

two additional LAPD officers arrived at approximately 10:24pm on the same day. Defendant further states that the words “VERBAL ARGUMENT ONLY” appear in an LAPD Incident Recall document, but denies that she and Plaintiff were in a “verbal argument only” on the night of May 21, 2016, and reiterates that she declined to file a police report. Defendant lacks sufficient knowledge or information to admit or deny allegations regarding the two officers’ credentials, prior experience, or domestic abuse training. Defendant denies any remaining allegations of ¶ 37 and demands strict proof thereof.

38. With respect to the allegations of ¶ 38, Defendant admits that Officer Saenz and Officer Hadden provided testimony during the parties’ divorce proceedings, denies that ¶ 38 provides an accurate and complete description of their testimony, or what they actually witnessed, and further states that Officer Saenz and Officer Hadden were not cross-examined or presented with any photographs or the testimony of other witnesses during their depositions, and otherwise refers to the deposition transcripts, for an account of the allegations therein. Defendant further admits that eyewitnesses to the abuse on May 21, 2016 provided testimony during the parties’ divorce proceedings, and refers to the deposition transcripts for their account of the allegations therein. Defendant denies any allegation or implication that her allegations and testimony relating to Plaintiff’s abuse on May 21, 2016 were false, and denies that she was not visibly injured following the May 21, 2016 incident. Defendant denies any remaining allegations of ¶ 38 and demands strict proof thereof.

39. With respect to the allegations of ¶ 39, Defendant denies that she had no injuries, denies that there was no property damage and denies that there were no signs of an altercation. Defendant denies that ¶ 39 provides a complete and accurate description of the testimony of Officer Saenz or what Officer Saenz actually observed and witnessed, and refers to the

deposition transcript for their account of the allegations therein, and other evidence that more fully addresses the issues. Defendant denies the remaining factual allegations of ¶ 39 and demands strict proof thereof.

40. With respect to the allegations of ¶ 40, Defendant denies that she had no injuries and no sign of injury. Defendant admits that Eastern Columbia Building personnel gave testimony in a case to which Defendant was not a party, denies that ¶ 40 provides a complete and accurate description of their testimony, and refers to the deposition transcripts for their accounts of the allegations therein, and to other evidence that contradicts this testimony. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Eastern Columbia Building personnel knew Plaintiff personally, but to the extent an answer is required, denies the allegations and demands strict proof thereof. Defendant further denies that Eastern Columbia Building personnel “unambiguously debunked” Defendant’s claims of injuries on and after May 21, 2016, and denies any remaining allegations of ¶ 40 and demands strict proof thereof.

41. Defendant admits that Cornelius Harrell worked in the Eastern Columbia Building and that she interacted with Mr. Harrell in the days following May 21, 2016. Defendant further admits that on January 31, 2019 Cornelius Harrell gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant denies the remaining allegations of ¶41 and demands strict proof thereof.

42. With respect to the allegations of ¶42, Defendant admits that Defendant approached Mr. Harrell, and that Defendant asked for a package that had been delivered to her. Defendant further admits that on January 31, 2019 Cornelius Harrell gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny

allegations as to whether and what portion of this interaction was captured by surveillance cameras and saved, that it was an accurate and full depiction. Defendant denies the remaining allegations of ¶ 42 and demands strict proof thereof.

43. With respect to ¶ 43, Defendant admits that on January 31, 2019 Cornelius Harrell gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant denies that she did not have injuries on May 22, 2016. To the extent ¶ 43 contains further factual allegations, they are denied and Defendant demands strict proof thereof.

44. With respect to ¶ 44, Defendant admits that Alejandro Romero worked in the Eastern Columbia Building. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Mr. Romero still works at the Eastern Columbia Building and as to his responsibilities and shifts. Defendant admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations. Defendant admits she may have had rare to very occasional interactions with Mr. Romero, but denies that she had “hundreds” of in-person interactions. Defendant denies the remaining allegations of ¶ 44 and demands strict proof thereof.

45. With respect to the allegations of ¶ 45, Defendant admits that she and Raquel Pennington may have had an interaction with Mr. Romero in the days following May 21, 2016 when she and Ms. Pennington were concerned someone had tried to get into one of the penthouses in the Eastern Columbia Building. Defendant admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant denies all remaining allegations of ¶ 45 and demands strict proof thereof.



46. With respect to the allegations of ¶ 46, Defendant admits that she may have interacted with Mr. Romero following May 21, 2016, admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies the remaining allegations of ¶ 46 and demands strict proof thereof.

47. With respect to the allegations of ¶ 47, Defendant admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Mr. Romero knows Plaintiff personally, but if further response is required, denies the allegation that he does not and demands strict proof thereof. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies the remaining allegations of ¶ 47 and demands strict proof thereof.

48. With respect to the allegations of ¶ 48, Defendant admits that Trinity Esparza worked in the Eastern Columbia Building. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Ms. Esparza still works at the Eastern Columbia Building and as to her responsibilities and shifts. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her account of the allegations. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Ms. Esparza knows Plaintiff personally, but if further response is required, denies the allegation and demands strict proof thereof. Defendant further denies any allegation or implication that she was uninjured following the

incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 48 and demands strict proof thereof.

49. With respect to the allegations of ¶ 49, Defendant admits that she may have had interactions with Ms. Esparza in the days following May 21, 2016, and admits that she has alleged and provided testimony that Plaintiff hit her and struck her in the face with a cell phone on May 21, 2016. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her account of the allegations. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 49 and demands strict proof thereof.

50. With respect to the allegations of ¶ 50, Defendant admits that she obtained a Domestic Violence Restraining Order against Plaintiff on May 27, 2016. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her account of the allegations. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what Ms. Esparza thought and why. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 50 and demands strict proof thereof.

51. With respect to the allegations of ¶ 51, Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for a complete account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what Ms. Esparza thought, what Ms. Esparza did, what conversations Ms. Esparza had, and why. Defendant denies any allegation or

implication that she was uninjured following the incident on May 21, 2016, and further denies that any security footage shows otherwise. Defendant denies all remaining allegations of ¶ 51 and demands strict proof thereof.

52. With respect to the allegations of ¶ 52, Defendant lacks sufficient knowledge or information to admit or deny allegations as to Mr. Romero, Mr. Harrell, and Ms. Esparza's conversations. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 52 and demands strict proof thereof.

53. With respect to the allegations of ¶ 53, Defendant lacks sufficient knowledge or information to admit or deny allegations as to what Ms. Esparza believes she may have seen on surveillance videos. Defendant denies any allegation or implication that she was uninjured following the incident on May 21, 2016, and further denies that any surveillance videos show that she was uninjured. Defendant denies all remaining allegations of ¶ 53 and demands strict proof thereof.

54. With respect to the allegations of ¶ 54, Defendant denies that the incident described in ¶ 54 took place. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, denies that Paragraph 54 includes a complete and accurate description of her testimony, and refers to the deposition transcript for her account of the allegations therein. Defendant denies the allegations as to the alleged specific contents of surveillance video footage from May 24, 2016 described in ¶ 54, and further states that counsel for Mr. Depp has admitted it does not exist, and they do not possess such footage. Defendant denies all remaining allegations of ¶ 54 and demands strict proof thereof.

55. With respect to the allegations of ¶ 55, Defendant admits that in February 2019 Brandon Patterson provided a declaration in a case to which Defendant was not a party, and refers to the declaration for his version of the allegations. Defendant denies the remaining allegations of ¶ 55 and demands strict proof thereof. Defendant further incorporates her Answer to ¶ 54 and adopts it in response to this ¶ 55.

56. Paragraph 56 contains legal conclusions to which no response is required. Defendant admits that Brandon Patterson was the General Manager of the Eastern Columbia Building, that there were media reports purporting to provide accounts of certain events attributed to the employees of the Eastern Columbia Building, and that Defendant first learned from these media reports about such purported accounts. Defendant admits that in February 2019 Brandon Patterson provided a declaration in a case to which Defendant was not a party, and refers to the declaration for his version of the allegations. Defendant denies that she did not have any injuries as a result of the May 21, 2016 incident of domestic violence and abuse by Plaintiff. Defendant denies all remaining allegations of ¶ 56.

57. With respect to the allegations of ¶ 57, Defendant admits that she interacted with Ms. Esparza and Mr. Patterson approximately a week after filing a Petition for a Domestic Violence Restraining Order, and that she asked Ms. Esparza and Mr. Patterson to provide a statement clarifying that the building staff would not make public comments about building residents. Defendant further admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, denies that ¶ 57 includes a complete and accurate description of her testimony, and refers to the deposition transcript for her version of the allegations. Defendant denies all remaining allegations of ¶ 57 and demands strict proof thereof.

58. With respect to the allegations of ¶ 58, Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her version of the allegations. Defendant denies all remaining allegations of ¶ 58 and demands strict proof thereof.

59. Defendant denies the allegations of ¶ 59 and demands strict proof thereof.

60. Defendant denies the allegations of ¶ 60 and demands strict proof thereof.

61. Defendant denies the allegations of ¶ 61 and demands strict proof thereof.

Defendant denies the allegations in the heading following ¶ 61 and demands strict proof thereof.

62. Defendant denies the allegations of ¶ 62 and demands strict proof thereof.

63. Defendant denies the allegations of ¶ 63 and demands strict proof thereof.

64. Defendant denies the allegations of ¶ 64 and demands strict proof thereof.

65. Defendant admits that she is a Human Rights Champion of the United Nations Office of the High Commissioner for Human Rights, a Woman's Rights Ambassador for the American Civil Liberties Union, and a spokesperson for L'Oréal Paris, but otherwise denies the allegations of ¶ 65 and demands strict proof thereof.

66. Defendant denies the allegations of ¶ 66 and demands strict proof thereof.

67. With respect to the allegations of ¶ 67, Defendant admits that *Aquaman* made over \$1 billion at the box office globally. Defendant denies that *Aquaman* premiered in theatres across the United States on December 21, 2019, and states that *Aquaman* premiered in theaters across the United States on December 21, 2018. To the extent there are further factual allegations of ¶ 67, Defendant denies and demands strict proof thereof.

68. With respect to ¶ 68, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents. Defendant admits that the op-ed as it appeared in the Washington Post's online edition was accompanied by a picture of Ms. Heard on the red carpet at *Aquaman's* Los Angeles premiere, and denies the remaining allegations of ¶ 68 and demands strict proof thereof.

Defendant denies the allegations in the heading following ¶ 68 and demands strict proof thereof.

69. Defendant denies the allegations of ¶ 69 and demands strict proof thereof.

70. Defendant denies that her domestic abuse and violence allegations respecting Mr. Depp are false, and is without sufficient knowledge as to the remaining allegations of ¶ 70 and demands strict proof thereof.

71. With respect to the allegations of ¶ 71, Defendant denies that her 2016 domestic violence and abuse allegations were false. Defendant is without sufficient knowledge to admit or deny the remaining allegations of ¶ 71 and demands strict proof thereof.

72. With respect to the allegations of ¶ 72, Defendant denies that her 2016 domestic violence and abuse allegations were false. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Defendant had a successful film release in November 2019, but denies that a film released in November 2019 could have been playing on screens across Virginia when the December 2018 op-ed was published. To the extent there are any remaining factual allegations in ¶ 72, Defendant denies and demands strict proof thereof.

73. With respect to the allegations of ¶ 73, Defendant admits that there were news reports that Disney made an announcement relating to a reboot of the *Pirates of the Caribbean* franchise in December 2018 and refers to those news reports for a complete and accurate statement of their contents. Paragraph 73 contains legal conclusions to which no response is required, but to the extent a response is required, Defendant denies that the op-ed was false and defamatory, denies that the op-ed caused Disney to decide that Plaintiff would no longer be a part of the *Pirates of the Caribbean* franchise, and lacks sufficient knowledge or information to admit or deny allegations as to whether Captain Jack Sparrow is one of Plaintiff's "most iconic roles," or how much money it generated for Disney. Defendant denies any remaining allegations of ¶ 73 and demands strict proof thereof.

**COUNT ONE—DEFAMATION FOR STATEMENTS IN MS. HEARD'S DECEMBER 18, 2018 OP-ED IN THE ONLINE EDITION OF THE WASHINGTON POST**

74. With respect to the allegations of ¶ 74, Defendant repeats and incorporates each of her responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

75. With respect to the allegations of ¶ 75, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website, as shown in Exhibit A, on December 18, 2018 with a title that Defendant did not write. Defendant denies that she wrote or authored the title "Amber Heard: I spoke up against sexual violence – and faced our culture's wrath. This has to change." Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. To the extent ¶ 75 contains further factual allegations, those are denied and Defendant demands strict proof thereof.

76. With respect to the allegations of ¶ 76, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff, and further states that the quoted statements in ¶ 76 are not false or defamatory. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 76 contains legal conclusions to which no response is required, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement. To the extent ¶ 76 contains further factual allegations, Defendant denies and demands strict proof thereof.

77. With respect to the allegations of ¶ 77, Defendant admits that Plaintiff is Defendant’s former husband, and that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence against her and obtained a Temporary Restraining Order against Plaintiff to protect Defendant from Plaintiff. Defendant denies that her domestic abuse allegations from May 2016 were false. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what readers knew or understood before or when reading the op-ed. Defendant denies that she intended to refer to Plaintiff in the op-ed, states that Plaintiff was not named in the op-ed, and states that the op-ed was not intended to refer to



Plaintiff. To the extent ¶ 77 includes further factual allegations, Defendant denies and demands strict proof thereof.

78. Defendant denies the allegations of ¶ 78 and demands strict proof thereof.

79. Defendant denies the allegations of ¶ 79 and demands strict proof thereof.

80. Defendant denies the allegations of ¶ 80 and demands strict proof thereof.

81. Defendant denies the allegations of ¶ 81 and demands strict proof thereof.

82. The allegations of ¶ 82 call for legal conclusions and require no response. To the extent ¶ 82 includes factual allegations, Defendant denies the allegations, and demands strict proof thereof.

83. Defendant denies the allegations of ¶ 83 and demands strict proof thereof.

84. Defendant denies the allegations of ¶ 84 and demands strict proof thereof.

With respect to the allegations contained in Plaintiff's requests for relief following ¶ 84, Defendant denies any legal assertions therein, and denies that Plaintiff is entitled to any relief from Defendant in this action, and demands strict proof thereof. Defendant further denies that Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

**COUNT TWO—DEFAMATION FOR STATEMENTS IN MS. HEARD'S DECEMBER 19, 2018 OP-ED IN THE PRINT EDITION OF THE WASHINGTON POST**

85. With respect to ¶ 85, Defendant repeats and incorporates each of her responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

86. With respect to the allegations of ¶ 86, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization

thereof. Defendant admits that the Washington Post distributes its hardcopy editions to readers in Virginia, and is without sufficient knowledge as to whether the Washington Post distributes its hardcopy editions to readers across the nation, and around the world and demands strict proof thereof.

87. With respect to the allegations of ¶ 87, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote the op-ed, with the assistance and advice of others, attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 87 contains legal conclusions to which no response is required, denies that the quoted statements are false and defamatory, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement. To the extent ¶ 87 contains further factual allegations, Defendant denies and demands strict proof thereof.

88. With respect to the allegations of ¶ 88, Defendant admits that Plaintiff is Defendant’s former husband, and that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence against her and obtained a Temporary Restraining Order against Plaintiff to protect Defendant from Plaintiff. Defendant denies that her domestic abuse allegations from May 2016 were false. Defendant lacks sufficient knowledge or

information to admit or deny allegations as to what readers knew or understood before or when reading the op-ed. Defendant denies that she intended to refer to Plaintiff in the op-ed, states that Plaintiff was not named in the op-ed, and states that the op-ed was not intended to refer to Plaintiff. To the extent ¶ 88 includes further factual allegations, Defendant denies and demands strict proof thereof.

89. Defendant denies the allegations of ¶ 89 and demands strict proof thereof.

90. Defendant denies the allegations of ¶ 90 and demands strict proof thereof.

91. Defendant denies the allegations of ¶ 91 and demands strict proof thereof.

92. Defendant denies the allegations of ¶ 92 and demands strict proof thereof.

93. The allegations of ¶ 93 call for legal conclusions and require no response. To the extent ¶ 93 includes factual allegations, Defendant denies the allegations, and demands strict proof thereof.

94. Defendant denies the allegations of ¶ 94 and demands strict proof thereof.

95. Defendant denies the allegations of ¶ 95 and demands strict proof thereof.

With respect to the allegations contained in Plaintiff's requests for relief following ¶ 95, Defendant denies any legal assertions therein, and denies that Plaintiff is entitled to any relief from Defendant in this action, and demands strict proof thereof. Defendant further denies that Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

**COUNT THREE—DEFAMATION FOR STATEMENTS IN MS. HEARD'S OP-ED  
WHICH HEARD REPUBLISHED WHEN SHE TWEETED A LINK  
TO THE OP-ED ON DECEMBER 19, 2018**

96. With respect to ¶ 96, Defendant repeats and incorporates each of her responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

97. Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit A and that it was published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she tweeted a link to the online version of the op-ed on December 19, 2018, and that Exhibit C is a true and accurate copy of that tweet.

98. With respect to ¶ 98, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 98 contains legal conclusions to which no response is required, denies that the quoted statements are false and defamatory, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement.

99. With respect to the allegations of ¶ 99, Defendant admits that Plaintiff is Defendant’s former husband, and that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence against her and obtained a Temporary

Restraining Order against Plaintiff to protect Defendant from Plaintiff. Defendant denies that her domestic abuse allegations from May 2016 were false. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what readers knew or understood before or when reading the op-ed. Defendant denies that she intended to refer to Plaintiff in the op-ed, states that Plaintiff was not named in the op-ed, and states that the op-ed was not intended to refer to Plaintiff. To the extent ¶ 99 includes further factual allegations, Defendant denies and demands strict proof thereof.

100. Defendant denies the allegations of ¶ 100 and demands strict proof thereof.

101. Defendant denies the allegations of ¶ 101 and demands strict proof thereof.

102. Defendant denies the allegations of ¶ 102 and demands strict proof thereof.

103. Defendant denies the allegations of ¶ 103 and demands strict proof thereof.

104. The allegations of ¶ 104 call for legal conclusions and require no response. To the extent ¶ 104 includes factual allegations, Defendant denies the allegations, and demands strict proof thereof.

105. Defendant denies the allegations of ¶ 105 and demands strict proof thereof.

106. Defendant denies the allegations of ¶ 106 and demands strict proof thereof.

With respect to the allegations contained in Plaintiff's requests for relief following ¶ 106, Defendant denies any legal assertions therein, and denies that Plaintiff is entitled to any relief from Defendant in this action, and demands strict proof thereof. Defendant further denies that Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

**GROUNDS OF DEFENSE  
(Affirmative and Other Defenses)**

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted and requests relief which is not permitted as a matter of law.

2. The Op-Ed was not false and defamatory because any statements this Court has held relate to Plaintiff were true.

3. Plaintiff is a public figure, and any defamatory statements in the Op-Ed were not made with actual malice.

4. Defendant relied upon counsel in writing and publishing the Op-Ed. Therefore, there can be no malice as a matter of law, and therefore no action for Defamation.

5. The statements in the op-ed are expressions of opinion that are protected by the First Amendment to the United States Constitution and Article I, Section 12 of the Constitution of Virginia. Defendant requests an award of her reasonable attorneys' fees and costs pursuant to Virginia's Anti-SLAPP Statute, including § 8.01-223.2, and/or any amendments thereto. Pursuant to Virginia Supreme Court Rule 3:25, Defendant requests this Court establish a procedure post trial for the submission of Defendant's attorneys' fees and costs under Rule 3:25(d) of the Rules of the Virginia Supreme Court of Virginia.

6. Any alleged injuries suffered by Plaintiff were not caused by Defendant, but instead were caused by Plaintiff's negligence, conduct, actions, or inactions, or were as a result of other alternative causes, or a combination thereof.

7. Plaintiff's claims and alleged damages are barred by his failure to mitigate his damages.

8. Plaintiff is barred from recovery based on the Doctrine of Unclean Hands.

9. Plaintiff cannot state any claim based the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant did not write or author this title. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

10. Plaintiff is barred by the statute of limitations from relying on statements Plaintiff made in 2016 for any claim or form of relief in this action.

11. Plaintiff’s claims are based on the allegation that Defendant should be held liable for “reviv[ing]”—by implication—statements that she made in 2016.” *See* Compl. ¶ 72. The op- ed is not a republication of Defendant’s statements in 2016. Plaintiff’s claims, therefore, are barred by the applicable 1-year statute of limitations. *See* Virginia Code §8.01-247.1. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

12. Defendant’s judicial statements in 2016 cannot form the basis of any claim for relief or otherwise support any claim for relief by Plaintiff against Defendant because such statements are not actionable as a matter of law, are absolutely privileged and are judicially immune from supporting a claim for defamation.

12-13. Plaintiff’s claims are barred and should be dismissed based on the doctrines of comity, collateral estoppel, issue and claim preclusion and res judicata (including Rule 1:6 of the Rules of the Supreme Court of Virginia), based on: the United Kingdom’s High Court of Justice Queen’s Bench Division’s Approved Judgment dated November 2, 2020 and Order dated November 16, 2020, and the United Kingdom’s Court of Appeal (Civil Division)’s Approved Judgment dated March 25, 2021 and Order dated March 31, 2021, as amended April 6, 2021. Under the Uniform Foreign-Country Money Judgments Recognition Act, these United Kingdom

Judgments and Orders are further entitled to full faith and credit in Virginia, are enforceable and should be recognized in the same manner and to the same extent as if rendered in Virginia. Va. Code § 8.01-465.13:5-6. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

Defendant reserves the right to raise further defenses, as the evidence develops and warrants.

**WHEREFORE**, Defendant respectfully requests that the Complaint be dismissed with prejudice, and Defendant be awarded her reasonable attorneys' fees and costs pursuant to Virginia Code § 8.01-223.2, and otherwise.

~~August 10, 2020~~ April 123, 2021

\_\_\_\_\_ Respectfully

submitted,

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*Counsel to Defendant Amber Laura Heard*

**CERTIFICATE OF SERVICE**

I certify that on this ~~10<sup>th</sup>~~-~~123<sup>th</sup>~~ day of ~~August 2020~~April, 2021, a copy of the foregoing was served by email, as agreed upon by counsel and Court Order, upon:

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*Counsel for Plaintiff John C. Depp, II*

Elaine Charlson Bredehoft (VSB No. 23766)

# ATTACHMENT 2

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
MEDIA AND COMMUNICATIONS LIST  
BETWEEN:

CLAIM NO HQ18M01923



JOHN CHRISTOPHER DEPP II

Claimant

-and-

(1) NEWS GROUP NEWSPAPERS LTD  
(2) DAN WOOTTON

Defendants

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PARTICULARS OF CLAIM

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1. The Claimant is a world famous actor and producer more commonly known as Johnny Depp. The Claimant has appeared in over 80 films and television series, and decades of involvement with Make a Wish Foundation. He is resident in California USA. In February 2015 the Claimant married Amber Heard. The Claimant and Ms Heard divorced on 13 January 2017 having separated in May 2016.
2. The First Defendant is the publisher of *The Sun* newspaper, which has a daily circulation of over 1.9m and a much larger readership. The First Defendant is also the owner and publisher of *The Sun's* associated website [www.sun.co.uk](http://www.sun.co.uk) ("the Website"). The website is accessible by any user of the internet and is accessed by in excess of 5.3m unique browsers daily. The First Defendant's mobile platform has a reach in excess of 3.8m.

3. The Second Defendant is a journalist and was at all material times employed by the First Defendant. He is currently an Executive Editor of *The Sun*.
4. At all material times the First Defendant was vicariously liable for the actions of the Second Defendant.

#### **The Online Article**

5. On or around 10pm on 27 April 2018 in an article headlined "*GONE POTTY How can JK Rowling be 'genuinely happy' casting wife beater Johnny Depp in the new Fantastic Beasts film?*" under the byline of and/or written by the Second Defendant, the Defendants and each of them published on the Website at the URL <https://www.thesun.co.uk/tvandshowbiz/6159182/jk-rowling-genuinely-happy-johnny-depp-fantastic-beasts/> the following words defamatory of the Claimant ("the Online Article"):

***"GONE POTTY How can JK Rowling be 'genuinely happy' casting wife beater Johnny Depp in the new Fantastic Beasts film?"***

*In his brand new column, Dan Wootton reveals the Harry Potter author is facing a significant backlash from the #MeToo movement over her decision to stand by the casting of Depp despite claims he beat ex-wife Amber Heard*

*By Dan Wootton, Executive Editor*

***[1] FOR a holier-than-thou Twitterati preacher, JK Rowling tries to present herself as a leading light for women in the entertainment industry.***

***[2] But the author will need to use every trick in Harry Potter's magic book to handle the growing outrage in Hollywood over her decision to stand by the***

*casting of Johnny Depp in the lead role in her precious Fantastic Beasts and Where To Find Them franchise.*

*[Photo Caption] JK Rowling has faced sharp criticism for backing Johnny Depp to star in her latest Harry Potter film.*

*[3] Today I reveal a significant backlash from within the #MeToo and Time's Up movement because the Scot is hellbent on backing her famous pal – despite his clearly inexcusable behaviour towards ex-wife Amber Heard.*

*[4] Rowling is proving herself to be the worst type of Hollywood Hypocrite here.*

*[5] Her claim that she is “genuinely happy” to have Depp star as the central character, dark wizard Gellert Grindelwald, in her big-budget film sequel Fantastic Beasts: The Crimes of Grindelwald provides him total rehabilitation in the eyes of the movie industry.*

*[6] She is condoning behaviour that she would be loudly slamming on social media if it was a male executive making the same decision.*

*[Photo Caption] Depp has been slapped with a restraining order after ex-wife Amber Heard produced evidence of domestic abuse*

*[7] So let me be very clear for the benefit of an apparently unaware Ms Rowling: Overwhelming evidence was filed to show Johnny Depp engaged in domestic violence against his wife Amber Heard.*

*[8] She was granted a restraining order after alleging Depp assaulted her following a drunken argument and submitted photographs to the court showing her bruised face.*

*[9] Heard – backed up by numerous friends on the record – recounted a detailed history of domestic abuse incidents, some of which had led to her fearing for her life. According to the court documents, there were kicks, punches, shoves and “all-out assault”.*

*[10] While Depp's many high powered friends accused Heard of simply seeking a pay-out, she proved them wrong by committing to donate ALL of the £5 million she received to charity.*

*[Photo caption] However, he is set to star as Gellert Grindelwald in the latest Fantastic Beasts and Where to Find Them film*

[11] *If Rowling is the supporter of women's rights she claims, has she been blinded by a personal friendship with Depp?*

[12] *After all, she coveted him enough to have spent £22 million buying his old yacht, which he had ironically re-named for Heard.*

[13] *Rowling is a powerful figure, who likes to slaughter anyone who dares publicly question her morals or decisions.*

[14] *But today two brave members of Me Too/Time's Up – both victims of Harvey Weinstein – go public to question her decision.*

[Photo caption] *Amber Heard produced a huge amount of evidence outlining the abuse - including shocking pictures of bruising on her face*

[15] *In a message to Rowling, actress Caitlin Dulany says: "We would like to see things change in this industry and not see people who have allegedly victimised women.*

[16] *"It is not much of a change if you are seeing people rewarded with roles.*

[17] *"Amber has been through a difficult time with him. But it seems like what happened hasn't really affected Johnny.*

[18] *"We would like to see things change in this industry and this is an example of that not happening.*

[19] *"I would hope for different role models than someone who has that kind of history. It is important when you are casting."*

[Photo caption] *Fantastic Beasts: The Crimes of Grindelwald is the next instalment in the Harry Potter franchise*

[20] *Actress Katherine Kendall adds: "I don't stand behind hitting people or abusing people. It seems that Amber got hurt.*

[21] *"As someone who has been the victim of sexual abuse and a supporter of Me Too and telling my story to help others, I cannot advocate violence.*

[22] *"I think it is a confusing message to put people in roles that are aimed at children and young people if there is a suggestion they have done something of that nature."*

*[Photo caption] Fantastic Beasts and Where to Find Them, starring Eddie Redmayne, was a huge hit with fans - but should Johnny Depp star in its sequel?*

*[23] So today I publish five questions Rowling MUST answer:*

- 1. Do you take domestic violence accusations as seriously as sexual harassment given your support of the Me Too movement?*
- 2. If so, do you believe Amber Heard's detailed 2016 court filing detailing abuse allegations by Johnny Depp, which included pictures showing her injuries and on the record accounts by other witnesses?*
- 3. Why did Depp agree to pay £5 million as a settlement, including a confidentiality agreement, if there was no truth to the allegations?*
- 4. You admitted last year there were "legitimate questions" about Depp's casting. What were these and how did you overcome them?*
- 5. Heard appeared to suggest on Instagram that you had taken her divorce statement "out of context" in order to defend Depp's casting. Have you spoken to her directly?*

*[24] Warner Bros releases the Depp-fronted film in November.*

*[25] While Rowling has an inability to ever admit she's made a mistake, it's not too late for a last-minute re-cast. It would cost millions, but Rowling has the money.*

*[26] I believe it is the only decision that would show she's a woman of true character and principle, even when her famous friends are involved."*

6. The Online Article was published until around 7.58am on 28 April 2018 and then updated to remove the words "wife beater" and change the headline to "GONE POTTY How can JK Rowling be 'genuinely happy' casting Johnny Depp in the new Fantastic Beasts film after assault claim?" Thereafter the Online Article in its updated form continued to be published by the Defendants and each of them on the Website until at least the date hereof.
7. The Online Article was read by a very substantial number of readers in this jurisdiction. The second, third and fourth sentences of paragraph 2 above are repeated. The Claimant does not have website traffic data and is currently unable



to plead with any more particularity the extent of online publication. This information is in the possession of the First Defendant and if not pleaded in the Defence can be the subject of disclosure or evidence in the Proceedings.

### **The Hardcopy Article**

8. In the 28 April 2018 edition of *The Sun* under the headline “*How can JK Rowling be ‘genuinely happy’ to cast Depp after assault claim?*” under the byline of and/or written by the Second Defendant, the Defendants and each of them published the following words defamatory of the Claimant (“**the Hardcopy Article**”):

*“How can JK Rowling be ‘genuinely happy’ to cast Depp after assault claim ?*

*[1] FOR a holier-than-thou Twitterati preacher, JK ROWLING tries to present herself as a leading light for women in the entertainment industry.*

*[2] But the author will need to use every trick in Harry Potter’s magic book to handle the growing outrage in Hollywood over her decision to stand by the casting of JOHNNY DEPP, left, in the lead role in her precious Fantastic Beasts franchise, The Crimes of Grindelwald.*

*[3] There’s a significant backlash in the #MeToo and Time’s Up movements because the author is hell-bent on backing her famous pal – despite his inexcusable behaviour towards ex-wife AMBER HEARD.*

*[4] Rowling, right, is proving herself to be the worst type of Hollywood Hypocrite here.*

*[5] Her claim that she is “genuinely happy” to have Depp star as the central character - dark wizard Gellert Grindelwald - in her big-budget film sequel offers him total rehabilitation in the eyes of the movie industry.*

*[6] She is condoning behaviour she would be slamming on social media if it was a male executive making the same decision.*

*[7] So let me be very clear for the benefit of an apparently unaware Ms Rowling: Overwhelming evidence was filed to show Johnny Depp engaged in domestic violence against Amber Heard. She was granted a restraining order after alleging*

*Depp assaulted her following a drunken argument and submitted photos to the court showing her bruised face, inset left.*

*[8] Heard – backed up by numerous friends on the record – recounted a detailed history of domestic abuse incidents, some of which had led to her fearing for her life.*

*[9] According to the court documents, there were kicks, punches, shoves and “all-out assault”.*

*[10] While Depp’s high powered friends accused Heard of simply seeking a pay-out, she proved them wrong by committing to donate ALL of the £5million she received from him to charity.*

*[11] If Rowling is the supporter of women’s rights she claims, has she been blinded by a personal friendship with Depp?*

*[12] After all, she coveted him enough to have spent £22million buying his old yacht, which, ironically, Depp renamed for Heard.*

*[13] Rowling is a powerful figure, who likes to slaughter anyone who dares publicly question her morals or decisions. But today two members of #Me Too/Time’s Up – both victims of HARVEY WEINSTEIN– go public to question her decision.*

*[14] In a message to Rowling, actress CAITLIN DULANY says: “We would like to see things change in this industry and not see people who have allegedly victimised women.*

*[15] “It is not much of a change if you are seeing people rewarded with roles. Amber has been through a difficult time with him.*

*[16] “But it seems like what happened hasn’t really affected Johnny.*

*[17] “We would like to see things change and this is an example of that not happening.*

*[18] “I would hope for different role models than someone who has that kind of history. It is important when you are casting.”*

*[19] Actress KATHERINE KENDALL adds: “I don’t stand behind hitting people or abusing people. It seems that Amber got hurt.*

[20] *"As someone who has been the victim of sexual abuse and a supporter of #MeToo and telling my story to help others, I cannot advocate violence.*

[21] *"I think it is a confusing message to put people in roles that are aimed at children and young people if there is a suggestion they have done something of that nature."*

[22] *So today I publish five questions Rowling MUST answer:*

1. *Do you take domestic violence accusations as seriously as sexual harassment given your support of the #MeToo movement?*
2. *If so, do you believe Amber Heard's detailed 2016 court filing detailing abuse allegations by Johnny Depp, which included pictures showing her injuries and on-the-record accounts by other witnesses?*
3. *Why did Depp agree to pay £5million as a settlement, including a confidentiality agreement, if there was no truth to the allegations?*
4. *You admitted last year there were "legitimate questions" about Depp's casting. What were these and how did you overcome them?*
5. *Heard appeared to suggest on Instagram you had taken her divorce statement "out of context" to defend Depp's casting. Have you spoken to her directly?*

[23] *Warner Bros releases the Depp-fronted film in November.*

[24] *While Rowling has an inability to ever admit she's made a mistake, it is not too late for a last-minute recasting. It would cost millions, but Rowling has the money.*

[25] *I believe it is the only decision that would show she's a woman of true character and principle, even when her famous friends are involved."*

9. The Hardcopy Article was read by millions of readers in this jurisdiction. The first sentence of paragraph 2 above is repeated.

## **Meaning**

10. In their natural and ordinary meaning the words in both the Online and Hardcopy Articles meant and were understood to mean that:

the Claimant was guilty, on overwhelming evidence, of serious domestic violence against his then wife, causing significant injury and leading to her fearing for her life, for which the Claimant was constrained to pay no less than £5 million to compensate her, and which resulted in him being subjected to a continuing court restraining order; and for that reason is not fit to work in the film industry.

## **Serious Harm/Damage**

11. The publication of the words complained of in the Online and Hardcopy Articles has caused serious harm to the Claimant's personal and professional reputation. In addition to relying on the seriousness of the meaning and the huge extent of publication, the Claimant will rely on the effect of accusations of violence against women in the context of the widely known #MeToo/Time's Up movements. The inclusion of quotes, or purported quotes from women described as victims of Harvey Weinstein, (the subject of high profile and serious criminal allegations) demonstrate that the very likely intended effect of the Articles was to finish the Claimant's career.
12. In addition to the reputational harm caused to the Claimant, the Claimant has been caused significant distress and embarrassment by the publication of the words complained of.
13. In support of his claim for damages the Claimant will rely on the following matters

- 13.1. The “restraining order” referred to in the Online and Hardcopy Articles consisted of Temporary Restraining Orders obtained ex parte. The Temporary Restraining Orders were terminated and Ms Heard’s Request for Restraining Orders was dismissed with prejudice on 16 August 2016. The Defendants knew or should have known about the fact that the Restraining Orders had been terminated because the First Defendant published an article on the Website on 17 August 2016 reporting the fact that Ms Heard’s Request had been dismissed with prejudice and included in that article a photograph of the Order terminating the Temporary Restraining Orders.
- 13.2. The Online and Hardcopy Articles failed to include any denial by the Claimant in relation to Ms Heard’s allegations, notwithstanding that previous articles published by the First Defendant had reported those denials, including an article dated 28 May 2016 written by the Second Defendant.
- 13.3. The First Defendant had previously reported that the police who attended an alleged incident at the Claimant’s and Ms Heard’s home, issued the following statement:
- “On May 21, police responded to a domestic incident radio call.  
“The person reporting did not insist on a report nor was there any evidence provided by the victim that warranted a report.  
“Officers conducted an investigation and determined that a crime did not occur. The officers cleared the scene and left a business card.”*
- 13.4. However, rather than including this information, or any reference to the police testimony which contradicted the evidence of Ms Heard and her witnesses in the Online and Hardcopy Articles, the Defendants chose to omit it and present a wholly one-sided and unfair account of the evidence.

13.5 The Online and Hardcopy Articles contained misquoted and/or out of context “quotes” from Katherine Kendall, a #MeToo/Time’s Up victim. Following publication, Ms Kendall contacted the journalist who had interviewed her, asserting that she had been misquoted and stating *inter alia*: “I’m telling you that you misquoted me and intentionally took things I said out context in what I now realize was your purpose in defaming Johnny Depp. I told you I have heard Amber had hit him, which is why as you know I don’t condone “any” violence”. You have improperly tried to use the #metoo movement for your purposes by using me in this way.” The Defendants failed to correct the Online Article in light of Ms Kendall’s objections to being misquoted.

14. Unless restrained the Defendants and each of them will further publish the words complained of or similar words defamatory of the Claimant.

**AND the Claimant claims:**


- (1) Damages for libel.
- (2) An injunction to restrain the First Defendant whether by its directors, servants or agents or otherwise howsoever and the Second Defendant whether by himself, his servants or agents or otherwise howsoever from publishing or causing to be published the said or any similar words defamatory of the Claimant.

**JAMES PRICE QC  
VICTORIA JOLLIFFE**

**STATEMENT OF TRUTH**

The Claimant believes that the facts stated in these Particulars of Claim are true.

I am duly authorised by the Claimant to sign this statement.

Signed  .....

Name: OLGA BISCHOF  
Position: Partner of Brown Rudnick LLP  
Dated: 13 June 2018

Served this 13<sup>th</sup> day of March 2018 by Brown Rudnick LLP Solicitors on behalf of the Claimant